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1617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: D. Hochrainer) Art Unit: 1617
Serial No.: 09/800,647) Examiner: Sharareh, S.J.
Filed: March 7, 2001)
Confirmation No. 7374
For: A Two-part Capsule to Accept Pharmaceutical Preparations for
Powder Inhalers
Docket No.: 1/1060-1-C1

Commissioner of Patents and Trademarks
Washington, D.C. 20231

July 16, 2002

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RESPONSE

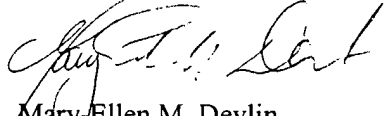
Sir:

This is in response to a communication received from the Examiner in charge of the subject application, which communication was mailed on June 27, 2002. The communication mailed June 27th comprises a restriction requirement.

In the communication mailed on June 27th, the Examiner purports to set forth a restriction requirement. However, no groups are identified and no criteria are provided for selection. The Examiner does make reference to claims 16, 21 and 29, and such claims concern a capsule design, materials for capsules and specific capsule design made from specific materials. In particular, Claim 16 claims a capsule made from material having a certain Shore hardness. It is an independent claim. Claim 21 sets forth various materials that can be used and depends from claim 16. Claim 29 defines the material also with regard to steam permeability and also depends from Claim 16. The Examiner appears to want to restrict the application according to material used, but does not provide to the applicants any guidance on how it is to be restricted. That is, does the Examiner wish to restrict to capsules according to Claim 16 made of polyester?

In view of the foregoing, reconsideration of the restriction requirement is earnestly requested.

Respectfully submitted,



Mary-Ellen M. Devlin
Attorney for Applicant(s)
Reg. No. 27,928

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT. 06877
Tel.: (203) 798-4866
July 16, 2002

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

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By: Mary-Ellen M. Devlin
Reg. No. 27,928